

PATENT  
Docket No. 350292000500

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

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Cecilia Huerta

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:  
Kouji MATSUSHIMA and Kenji YOKOI

Serial No.: 09/202,791

Int'l. Filing Date: June 26, 1997

For: THERAPEUTIC AGENT FOR ACUTE  
LUNG INJURY RESULTING FROM  
INDIRECT CAUSES COMPRISING  
ANTI-IL-8 ANTIBODY AS ACTIVE  
INGREDIENT

Examiner: D. Ware

Group Art Unit: 1651

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **350292000500**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 15, 2004

Respectfully submitted,

By: 

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Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

Docket Number 350292000500

Application Number 09/202,791

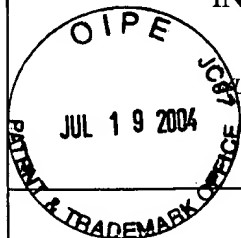
Applicant

Kouji MATSUSHIMA

Filing Date (Int'l. Filing Date June 26,  
1997)

Group Art Unit: 1651

Mailing Date July 15, 2004

*(Use several sheets if necessary)*

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

## OTHER DOCUMENTS

*(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	1.	Bernard et al., Am J Respir Crit Care Med 149:818-824 (1994)
	2.	Ivey et al., J Clin Invest 95:2720-2728 (1995)
	3.	Lefer et al., Br J Pharmacol 103:1153-1159 (1991)
	4.	Mikawa et al., Anesthesiology 81:689-699 (1994)
	5.	Nishina et al., Anesthesiology 83:169-177 (1995)
	6.	Nishina et al., Anesthesiology 88:1300-1309 (1998)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.